

By: Trial Section Merits Panel
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Filed: April 16, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

DAVID P. BRUNNER, GARY C. HARBOUR,
RICHARD J. KIRCSHNER, JAMES F. PINNER
and ROBERT L. GARLICK

Junior Party
(Application 07/566,442,
Application 08/470,293 and
Application 08/470,294)

v.

DENNIS FENTON, POR-HSIUNG LAI,
HSIENG LU, MICHAEL MANN
and LARRY TSAI

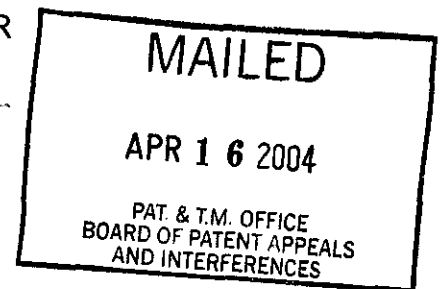
Senior Party
(Patent 5,599,690)

Patent Interference No. 105,181 (JTM)

Before: SPIEGEL, LANE, and MOORE, Administrative Patent Judges.

MOORE, Administrative Patent Judge.

ORDER - Rule 662



JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of Paper 24 (Response to Order to Show Cause) and Paper 25 (Request to Abandon Applications), it is hereby:

ORDERED that judgment on priority as to Count 1 and Count 2 (Paper 1, page 6), the only counts in the interference, is awarded against junior party DAVID P. BRUNNER, GARY C. HARBOUR, RICHARD J. KIRCSHNER, JAMES F. PINNER and ROBERT L. GARLICK.

FURTHER ORDERED that junior party DAVID P. BRUNNER, GARY C. HARBOUR, RICHARD J. KIRCSHNER, JAMES F. PINNER and ROBERT L. GARLICK is not entitled to a patent containing claims 1, 5, and 10-13 (corresponding to Count 1) of application 07/566,442.

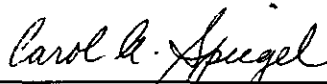
FURTHER ORDERED that junior party DAVID P. BRUNNER, GARY C. HARBOUR, RICHARD J. KIRCSHNER, JAMES F. PINNER and ROBERT L. GARLICK is not entitled to a patent containing claims 3, 7, and 10-13 (corresponding to Count 2) of application 07/566,442.

FURTHER ORDERED that junior party DAVID P. BRUNNER, GARY C. HARBOUR, RICHARD J. KIRCSHNER, JAMES F. PINNER and ROBERT L. GARLICK is not entitled to a patent containing claim 1 (corresponding to Count 2) of application 08/470,293.

FURTHER ORDERED that junior party DAVID P. BRUNNER, GARY C. HARBOUR, RICHARD J. KIRCSHNER, JAMES F. PINNER and ROBERT L. GARLICK is not entitled to a patent containing claims 1-4 (corresponding to Count 1) of application 08/470,294.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 07/566,442; 08/470,293; and 08/470,294 and patent 5,599,560.

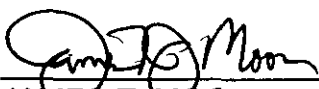
FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c), 37 CFR § 1.661, and 37 CFR §1.666.



CAROL A. SPIEGEL
Administrative Patent Judge



SALLY GARDNER LANE
Administrative Patent Judge



JAMES T. MOORE
Administrative Patent Judge

BOARD OF PATENT
APPEALS
AND
INTERFERENCES

Interference 105,181 (JTM)

Paper 26

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